

pay the rates for private patients at the State hospital or at any institution, home or retreat for the insane within the State.

Insanity as a Defence in Criminal Cases.

1888, art. 59, sec. 4. 1860, art. 58, sec. 4. 1826, ch. 197, sec. 1.

4. When any person indicted for a crime or misdemeanor shall allege insanity or lunacy in his defence, the jury impanelled to try such person shall find by their verdict whether such person was, at the time of the commission of the offense, or still is insane, lunatic or otherwise.

Ibid. sec. 5. 1860, art. 58, sec. 5. 1826, ch. 197, sec. 1. 1898, ch. 465.

5. If the jury find by their verdict that such person was at the time of committing the offense and then is insane or lunatic, the court before which trial was had shall cause such person to be sent to the almshouse of the county or city in which such person resided at the time of the commission of such act. or to a hospital, or some other place better suited in the judgment of the court to the condition of such prisoner, there to be confined until he shall have recovered his reason and be discharged by due course of law. And any judge of the circuit court for any county where such person is detained or of the supreme bench of Baltimore city, as the case may be, may, upon *habeas corpus* proceedings, make any order, absolute or conditional, for the permanent or temporary discharge of the person upon satisfactory proof of permanent or temporary recovery.

Hadaway v. Smith, 71 Md. 321.

Ibid. sec. 6. 1860, art. 58, sec. 6. 1826, ch. 197, sec. 2.

6. Where any person arrested for improper or disorderly conduct, or charged with any crime, offense or misdemeanor against whom no indictment has been found shall appear to the court or be alleged to be a lunatic or insane, the court shall cause a jury of twelve good and lawful men to be impanelled forthwith and shall charge said jury to inquire whether such person was at the time of the commission of the act complained of insane or lunatic and still is so; and if such jury shall find that such person was, at the time of the commission of such act insane or lunatic and still is so, the court shall direct such person to be confined, as directed in the preceding section, at the expense of the county or city, as the case may be, until he shall have recovered and be discharged by due course of law.